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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 27 2000

at 1 o'clock and 00 min. P.
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO.	CROO 00487
)		
Plaintiff,)	INDICTMENT	
)		
vs.)	[21 U.S.C. §§ 841(a)(1),	
)	841(b)(1)(A), 841(b)(1)(B)	
MARK B. CHERRY, and (01))	846, and 8 U.S.C. § 1326]	
JOSE CRUZ NUNEZ-CURIEL, (02))		
AKA "Tony" and "Estaban)		
Billas",)		
)		
Defendants.)		

SOM

INDICTMENT

COUNT 1:

The Grand Jury charges that:

From on or about October, 2000, to and including December
13, 2000, in the District of Hawaii, and elsewhere,

MARK B. CHERRY
and
JOSE CRUZ NUNEZ-CURIEL
AKA "Tony" and "Estaban Billas"

defendants herein, did willfully and unlawfully conspire together with each other, and others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute one kilogram or more of a mixture or substance containing Heroin, a Schedule I controlled substance, and 500 grams or more of a mixture or substance containing Cocaine, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and (B).

It was the object of the aforesaid conspiracy to obtain Heroin and Cocaine from Mexico and transport them into Hawaii for the purpose of distribution.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the defendants performed overt acts in the District of Hawaii and elsewhere which include, but are not limited to, the following:

1. During the early part of the month of December 2000, CHERRY met with members of a drug trafficking organization in Hawaii and agreed to pick up Heroin and Cocaine in Mexico.
2. On December 4, 2000, CHERRY flew from Hawaii to Mexico to pick up the drugs.
3. From December 4, 2000, through December 12, 2000, CHERRY picked up in Mexico approximately 1.4 grams of Heroin and 1.55 grams of Cocaine that were intended to be distributed in Hawaii.

4. On December 12, 2000, CHERRY flew into San Francisco International Airport from Mexico with the approximately 1.4 grams of Heroin and 1.55 grams of Cocaine that he picked up in Mexico.

5. On December 13, 2000, NUNEZ-CURIEL traveled to Windward Mall in Hawaii to pick up the Heroin and Cocaine.

All in violation of Title 21, United States Code, Section 846.

COUNT 2:

The Grand Jury further charges that:

On or about December 13, 2000, in the District of Hawaii, and elsewhere, **JOSE CRUZ NUNEZ-CURIEL**, defendant herein, did knowingly and intentionally attempt to possess with intent to distribute, one kilogram or more of a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and 846.

COUNT 3:

The Grand Jury further charges that:

On or about December 12, 2000, in the District of Hawaii, and elsewhere, **JOSE CRUZ NUNEZ-CURIEL**, defendant herein, did knowingly and intentionally attempt to possess with intent to distribute, five-hundred (500) grams or more of a mixture or substance containing a detectable amount of Cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT 4:

The Grand Jury further charges that:

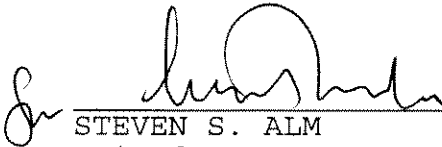
On or about December 13, 2000, within the District of Hawaii, the Defendant, **JOSE CRUZ NUNEZ-CURIEL**, was found in the United States after having been arrested and then removed from the United States on January 29, 1999, without first having obtained the consent of the Attorney General to reenter the United States, in violation of Title 8, United States Code, Section 1326(a).

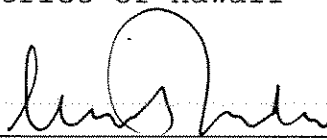
DATED: DEC 27, 2000 at Honolulu, Hawaii.

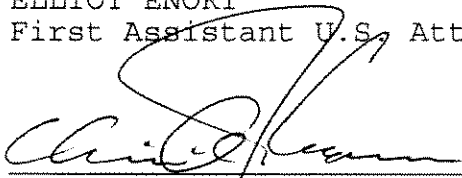
A TRUE BILL

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FOREPERSON, GRAND JURY


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United States v. Mark B. Cherry, et al.
"Indictment"
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